

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL PARZIALE, et al.,

Plaintiffs,

v.

PICCININI, INC., et al.,

Defendants.

Civil Case No.

12-CV-14986

HON. MARK A. GOLDSMITH

ORDER CLOSING CASE

On September 18, 2013, the Court was informed that the parties had reached a settlement in this matter through facilitation. 10/4/13 Order (Dkt. 12). The Court consequently dismissed the case with prejudice on October 4, 2013, but noted that “[a]ny party may apply to reopen this matter within 45 days of the date of this order to enforce the terms of the settlement.” Id.

On November 18, 2013, Defendant CitiMortgage, Inc. filed a motion to re-open the case. Def.’s Mot. (Dkt. 13). Defendant claimed that Plaintiffs had failed to execute the settlement agreement and were not responding to any of Defendant’s inquiries. Def.’s Br. at 2, 4. Plaintiffs’ counsel failed to respond to the motion, and did not appear at the motion hearing on January 8, 2014.

The Court issued an order on January 9, 2014 granting Defendant’s motion and re-opening the case for the limited purpose of enforcing the settlement. The Court ordered that “within ten (10) days of the date of this Order,” Plaintiffs execute the agreement and Plaintiffs’ counsel provide appropriate payment information to Defendant for the settlement proceeds. 1/9/14 Order (Dkt. 15). If Plaintiffs failed to comply within the time permitted, the Court also ordered that the settlement would be null and void, and that Defendant may seek a writ of

restitution to evict Plaintiffs. Id. The Court lastly noted that the matter had been dismissed with prejudice in October 2013, and “remains so.” Id.

More than ten days have passed since the issuance of the Court’s order, and the parties have not informed the Court of any developments. Accordingly, the Court re-closes this case.

SO ORDERED.

Dated: February 5, 2014
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 5, 2014.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager